



## Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271  
www.dnr.illinois.gov

Pat Quinn, Governor  
Marc Miller, Director

August 21, 2013

Ms. Amy Wrigley, Project Manager  
Antea Group  
1323 Bond Street  
Naperville, IL 60563

**RE: Access Driveway Installation, Pembroke Township, Kankakee County  
Endangered Species Consultation Program  
EcoCAT Review #1402446**

Dear Ms. Wrigley:

The Department has reviewed your submission regarding a proposed action in Section 6, Township 29 North, Range 10 West for consultation pursuant to the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], and Title 17 *Illinois Administrative Code* Part 1075.

The action entails installation of a driveway to provide access to a work area associated with the maintenance of a product pipeline flanked by a dense array of agricultural drainage tiles which connect to the headwaters of Little Beaver Creek. Approximately a half-mile downstream of the proposed work area the stream is designated as the **Little Beaver Creek Illinois Natural Areas Inventory (INAI) Site** because it provides essential habitat to at least four species of fishes listed by Illinois as endangered or threatened. Each of these four species has been documented within three miles downstream during the last ten years. They are the **Bigeye Chub**, *Hybopsis amblops*; the **Starhead Topminnow**, *Fundulus dispar*; the **Weed Shiner**, *Notropis texanus*; and the **Ironcolor Shiner**, *Notropis chalybaeus*. Eight miles downstream, the Creek flows through the **Iroquois County State Fish & Wildlife Area Land & Water Reserve**, a site protected under penalty of law by the *Illinois Natural Areas Preservation Act*.

These small minnow-like fishes can be found in very shallow narrow waters; the drainage ditches in the field where the work will be done likely contain one or more of these species. They are vulnerable to siltation, sedimentation, and chemical contamination. The disruption of functioning field tiles may also result in sudden adverse thermal and hydrologic impacts to the aquatic environment. It is imperative that the work incorporate measures to minimize or avoid direct impacts to open drains and water bodies, and especially to minimize or avoid chemical contamination.

A state-listed threatened plant, the **Old Plainsman**, *Hymenopappus scabiosaeus*, has also been documented from numerous locations along County Highway 53 and 6000S Road and field edges in Section 6. It is possible this plant also occurs along the right-of-way of 18000E Road which is the

subject of your submission. A threatened plant may not be harmed in any manner without the written authorization of the land-owner under the terms and prohibitions of the *Illinois Endangered Species Protection Act*.

Please note that the **Leesville Savanna INAI Site**, much of which is dedicated as the **Carl N. Becker Nature Preserve**, lies less than one mile south of the proposed work location. While the proposed work is unlikely to directly or indirectly adversely affect the INAI Site or Nature Preserve, the Site supports twelve state-listed endangered plant species and two additional state-listed endangered or threatened animals, the **Blanding's Turtle**, *Emydoidea blandingii*, and the **Ornate Box Turtle**, *Terrepene ornata*, any of which, given their proximity, might be present along the right-of-way of 18000E Road.

The Ornate Box Turtle is a terrestrial turtle with a long underground hibernation period, while the Blanding's Turtle is only semi-aquatic. Roads and road shoulders are often used by these species for basking, and a study of the Ornate Box Turtle elsewhere in Illinois found that 50% of nests were located on or adjacent to road/trails. Blanding's Turtles frequently use drains and ditches as "highways" but are capable of long overland treks and nest farther from the water than any other aquatic or semi-aquatic turtle found in Illinois. The poorly maintained condition of this section of 18000E Road suggests these species may inhabit its right-of-way.

No state-listed animal can be captured, collected, harassed, injured, or killed incidental to an otherwise lawful activity without an Incidental Take Authorization from the Department of Natural Resources pursuant to 520 ILCS 10/5.5 and Title 17 *Illinois Administrative Code* Part 1080.

The Department offers the following recommendations.

*Recommendation #1: Conduct botanical surveys of the 18000E Road right-of-way to identify Old Plainsman or other potentially-occurring state-listed endangered or threatened plants so that such plants will not be harmed in any manner OR obtain from the appropriate land owner or public officer with jurisdiction a written authorization to harm such plants under the terms and conditions the owner or officer may impose.*

*Recommendation #2: Conduct a habitat suitability and presence survey for the two turtle species described above with special attention to potential burrows used by the Ornate Box Turtle. If either species is observed, consideration should be given to seeking an Incidental Take Authorization from the Department prior to proceeding with any work.*

*Recommendation #3: Identify the locations of any field tiles which may be damaged or destroyed in the course of work and assure that they are promptly replaced or repaired.*

*Recommendation #4: Incorporate plans and measures to avoid or minimize the spill or release of any fuels or other chemicals which may contaminate soils or waters of the State. Such measures should include monitoring the quality of ground and surface waters before, during, and after performance of the work to document the effectiveness of such measures.*

Consultation on the part of the Department is terminated, unless Antea Group desires additional information or advice related to this proposal. This consultation should be shared with any public

officials involved in authorizing, funding, or performing the proposed action. In accordance with 17 Ill. Adm. Code 1075.40(h), Antea Group must notify the Department of its decision regarding these recommendations, whether it will:

- Proceed with the action as originally proposed;
- Require the action to be modified per Department recommendations (please specify which measures if not all will be required); or
- Forgo the action.

This consultation is valid for two years unless new information becomes available which was not previously considered; or the proposed action is modified; or additional species, essential habitats, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review primarily reflects the information existing in the Illinois Natural Heritage Database at the time of this consultation, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments.

If additional protected resources are encountered during the project's implementation, the applicant must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action. Please contact me if you have questions regarding this review.

Sincerely,

A handwritten signature in black ink that reads "Keith M. Shank". The signature is written in a cursive, flowing style.

Keith M. Shank  
Impact Assessment Section  
Division of Ecosystems and Environment  
[keith.shank@illinois.gov](mailto:keith.shank@illinois.gov)  
(217) 785-5500